

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

**GERALD L. F.,<sup>1</sup>**

Plaintiff,

v.

**NANCY A. BERRYHILL,**  
Acting Commissioner of Social Security,

Defendant.

No. 6:17-cv-01341-SB

OPINION AND ORDER

**MOSMAN, J.,**

On December 13, 2018, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (F&R) [19], recommending that the Commissioner's decision be REVERSED and this case REMANDED for the award of benefits. Neither party filed objections to the F&R.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or

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<sup>1</sup> In the interest of privacy, this opinion uses only the first name and the initial of the last name of the nongovernmental party in this case.


recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

### **CONCLUSION**

Upon review, I agree with Judge Beckerman's recommendation and I ADOPT the F&R [19] as my own opinion. The Commissioner's decision is REVERSED and this case is REMANDED for the award of benefits.

IT IS SO ORDERED.

DATED this 17 day of January, 2019.

  
MICHAEL W. MOSMAN  
Chief United States District Judge